

Article 3: Planned Districts

Division 12: La Jolla Planned District

*("La Jolla Planned District" added 10-29-1984 by O-16312 N.S.)
(Amended 9-8-1987 by O-16934 N.S.; sections contained within.)*

§103.1201 Purpose and Intent

It is the purpose of this Division to require that development and redevelopment of land in the central core area, outlying neighborhood commercial centers, and the cultural and multi-family areas west and north of the village commercial core of La Jolla will be accomplished in a manner that retains and enhances the economic, historical, architectural, educational, civic, social, cultural, and aesthetic values, and the overall quality of life within the community. The intent is to implement the goals and objectives of the adopted La Jolla Community Plan (1976), the La Jolla - La Jolla Shores Local Coastal Program Addendum (1983), and the Progress Guide and General Plan of The City of San Diego.

In accordance with the public health, safety, and general welfare, these regulations are intended to protect the unique character of La Jolla by:

- (a) The maintenance and encouragement of a diversified and balanced land use pattern including adequate levels of community retail services and residential development opportunities within the commercial areas while limiting additional office use;
- (b) The protection and enhancement of scenic vistas to the ocean, shoreline and hillside areas;
- (c) The maintenance of traditional building scale and facades in new commercial developments;
- (d) The provision of plazas, courtyards, malls, and other public amenities which serve to enhance the pedestrian environment;
- (e) The encouragement of small lot development in keeping with the traditional rhythm and spacing of buildings along the major retail oriented streets;
- (f) The beautification of the streetscape through appropriate landscaping, street furniture, and sidewalk surface treatment;

- (g) The protection of architecturally, historically and culturally significant structures;
- (h) The prevention of commercial encroachment into adjacent residential development;
- (i) The preservation and maintenance of cultural uses in the Cultural Zone;
- (j) The preservation of the traditionally diverse and harmonious architectural styles, and design preferences reflecting the community's history and to encourage complementary design and construction; and
- (k) The maintenance of the traditional scale and character of residential development bordering the commercial village core and shoreline areas.

These regulations are intended to improve traffic circulation and access to recreation, visitor-serving retail, cultural and residential uses through specific restrictions on office development and the provision of off-street parking standards. The office restrictions and parking standards are consistent with the need to maintain the pedestrian scale of the commercial areas, reduce peak hour traffic congestion, and assure that office uses do not come to dominate such areas nor adversely affect the retail continuity of the major commercial streets. Additionally, these regulations are intended to ensure that new residential development and redevelopment is compatible with the traditional scale and character of the multi-family area and complementary to the Cultural Zone.

(Amended 9-8-1987 by O-16934 N.S.)

§103.1202 Boundaries and Planned District Zones

- (a) Boundaries of the Planned District

The regulations which follow shall apply in the La Jolla Planned District which is within the boundaries of the La Jolla community planning area in The City of San Diego, California, designated on that certain Map Drawing Nos. C-690.1 and B-3934, and described in the appended boundary description filed in the office of the City Clerk under Document Nos. OO-16312 and OO-17613.

- (b) Planned District Zones

The following six zones are created along the designated street corridors in order to maintain and encourage development of a land use mix consistent with each zone's use and function.

The division into zones will set forth permitted uses, land use densities and allocations for ground floor uses consistent with the Local Coastal Program and Community Plan Guidelines, as well as special restrictions for the development of the cultural and multi-family zones, above ground parking facilities, drive through establishments, hotel/motel development, setbacks and access requirements.

The boundaries of the six zones are designated on Drawing Nos. C-690.1 and B-3934.

ZONE 1: Girard Avenue and Prospect Street.

This zone includes the primary retail and visitor oriented commercial area in the core of La Jolla. This area is characterized by high levels of pedestrian activity. Standards for this zone are designed to maintain that pedestrian scale and continuity, and preserve and enhance the retail development pattern of department stores, and small retail shops and restaurants.

Subarea 1A, included in this zone is comprised of the area on the seaward or north side of Prospect Street from Cave Street to Eads Street. This subarea has been identified because of its unique orientation to the ocean. This Division addresses development standards for the protection and enhancement of public ocean views.

ZONE 2: Herschel Avenue.

This zone includes an area characterized by community serving office development intermixed with retail establishments. Development standards for this zone are designed to permit the limited grouping of community serving professional offices, and to encourage residential uses to provide a transition zone to the single-family residential areas to the east.

ZONE 3: Fay Avenue.

This zone includes an area characterized by a mixture of community serving offices and retail establishments. Development standards for this zone are intended to maintain that community serving retail/office balance and encourage residential uses to provide a transition zone to the multi-family residential areas to the west.

ZONE 4: Pearl Street and La Jolla Boulevard.

This zone includes neighborhood commercial areas characterized by small retail shops. Development in this zone is dominated by community serving and visitor service retail uses. This area, unlike the other zones, is automobile oriented because of its location along major streets. Development standards for this zone are intended to maintain the retail community serving and visitor serving uses, and encourage the development of some community serving offices, and residences.

ZONE 5: Multi-Family Zone.

This zone includes the multi-family area to the west and north of the commercial core area and extends northward, northwestward and westward to the shoreline. This area is of major importance due to its location adjacent to the shoreline, its relatively higher density and its location as the connecting link between the commercial core and the scenic shoreline and bluffs areas. Standards for new residential development and for redevelopment are intended to maintain the scale and character traditionally associated with these older residential portions of the village.

Subarea 5A, included in this zone, comprises the area on the seaward, or northwesterly, side of Prospect Street from Eads Avenue to La Jolla Boulevard. This subarea has been identified because of its unique orientation to the ocean. The standards are intended to protect and enhance public ocean views.

ZONE 6: Cultural Zone.

This zone includes a unique assemblage of cultural uses representing the distinctive architectural, cultural, educational and historical heritage of La Jolla. A large portion of the properties in the zone were donated to the institutional cultural users who have enjoyed the privilege of a tax-free status for their entire existence. The regulations are intended to provide that the highest land use priority shall be reserved for these existing cultural uses. The design standards are intended to maintain the area's unique architectural appearance and scale.

Subarea 6A, included in this zone, comprises the area on the seaward, or northwesterly, side of Prospect Street from approximately Eads Avenue to approximately Cuvier Street. This subarea has been identified because of its unique orientation to the ocean. The standards are intended to protect and enhance public ocean views.

(Amended 3-18-1991 by O-17613 N.S.)

§103.1203 Applicable Regulations and Definitions

(a) Applicable Regulations

Where not otherwise specified in this Division, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);
Chapter 12 (Land Development Reviews);
Chapter 13 (Zones);
Chapter 14, Article 1 (Separately Regulated Use Regulations);
Chapter 14, Article 2, Division 1 (Grading Regulations);
Chapter 14, Article 2, Division 2 (Drainage Regulations);
Chapter 14, Article 2, Division 3 (Fence Regulations);
Chapter 14, Article 2, Division 4 (Landscape Regulations);
Chapter 14, Article 2, Division 5 (Parking Regulations);
Chapter 14, Article 2, Division 6 (Public Facility Regulations);
Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);
Chapter 14, Article 2, Division 12 (Sign Regulations);
Chapter 14, Article 3 (Supplemental Development Regulations);
Chapter 14, Article 4 (Subdivision Regulations);
Chapter 14, Article 5 (Building Regulations);
Chapter 14, Article 6 (Electrical Regulations); and
Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and this Division, this Division applies.

(b) Definitions

It is the purpose of this Section to provide clear and concise definitions of those words, terms, and phrases which apply specifically to the La Jolla Planned District.

The definitions in Land Development Code Section 113.0103 apply unless there is a conflict with the definitions in this Division. Where a conflict exists the definitions in this Division prevail.

(1) Accessory Uses

Any accessory use is intended to serve only the occupants of a principal permitted use on the premises and not the general public (see Sec. 103.1205, Paragraph A.11.).

(2) Auto Oriented Establishment

Auto oriented establishments are auto repair shops, automobile parts store, enclosed automobile sales, gasoline stations, car washes, and any other retail use or service which provides goods and services for automobile sales and maintenance, excluding outdoor car sales lots.

(3) Basement

That portion of a building which is partly below and partly above finished grade but located so that vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

(4) Cellar

That portion of a building which is wholly or partly below grade and located so that the vertical distance from grade to floor is equal to, or greater than, the vertical distance from grade to ceiling.

(5) Change of Use

A change of use that requires compliance of the project with this Division is any change of use that includes but is not limited to the following:

- (A) Residential use to any type of commercial use including offices and retail;
- (B) Commercial retail or service establishments to banks or savings and loans, business or professional offices, or restaurants;

- (C) Banks or savings and loans to business or professional offices, or restaurants;
- (D) Business or professional offices to restaurants;
- (E) Restaurant to office or retail;
- (F) A non-drive-thru use to a drive-thru use;
- (G) Any use to a timeshare project; and
- (H) Any change of an establishment or tenancy which would require an increase in the number of off- street parking spaces based on the parking ratios contained in Sec. 103.1207 of this Division, or would affect the street level use requirements of this ordinance as identified in Sec. 103.1205 of this Division.
- (I) Any change from an Existing Cultural Use Within Zone 6 to any other use. Demolition of all or any part of an Existing Cultural Use Within Zone 6 shall be considered a change of use.
- (J) No use (vacant) to any use.

(6) Community Character

The particular combination of community resources which are associated with the community and collectively establish the sense of time, place and uniqueness associated with La Jolla.

(7) Community Resource

Community resources are visual, cultural, archaeological, architectural, and historical focal points within a community they may be man-made or natural.

(8) Department Store

An establishment which is exclusively used for the retail sale of different products and merchandise types where the entire premises are used by a single tenant.

(9) Drive-thru Facility

Any facility requiring a vehicular crossing of a public sidewalk for the purposes of entering the premises, and performing a business transaction from the vehicle. Examples of drive-thru facilities are service stations, bank drive-thrus, drive-in restaurants, drive-thru restaurants, drive-thru cleaners, and other similar businesses, but excluding parking lots.

(10) Building Street Facade

The face or faces of the building nearest the street or streets.

(11) Existing Cultural Use Within Zone 6

Any of the cultural institutions, or any portion thereof, within Zone 6 as shown on that certain Map Drawing No. C-690.1, on file in the office of the City Clerk. These cultural institutions are: 1) the La Jolla Recreation Center, 2) the La Jolla Woman's Club, 3) the La Jolla Museum of Contemporary Art, 4) the Bishop's School, 5) St. James-by-the-Sea Episcopal Church, and 6) the La Jolla Presbyterian Church.

(12) Fast Food Restaurants

A restaurant business which sells primarily prepackaged-precooked food or packaged food cooked on the premises, and provides minimal seating areas on the premises. Food sold by this restaurant is typically eaten outside the premises. This definition would not include confectionery-type uses such as a candy store.

(13) Floor Area Ratio

The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.

(14) Gross Floor Area

For the purpose of calculating Floor Area Ratio (FAR) the gross area shall consist of the total horizontal area expressed in square feet, of all the floors of a building included within the surrounding walls, including

shafts, enclosed stairwells at all levels, and above ground parking structures.

For the purpose of common area allocations to different uses, all common areas (hallways, service areas, mechanical equipment rooms, etc.) shall be allocated to each use based on the percent of gross floor area occupied by each use.

Gross area shall include:

- (A) Enclosed stairwells and ramps, above ground structures and exterior elevator shafts.
- (B) The floor area of mezzanines and other similar interior balconies.
- (C) Half stories (attics), as described in Land Development Code Section 113.0103 and Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement) basements and cellars. Areas of basements, and cellars utilized exclusively for parking are not included in the calculation of gross floor area.
- (D) Penthouses as described in Land Development Code Section 113.0103 and Chapter 11, Article 3, Division 2 (Rules for Calculation and Measurement) shall be included in gross floor area, except when meeting the following criteria:
 - (i) The enclosure must be used exclusively for housing elevator mechanical equipment or stairs;
 - (ii) The height of enclosures above the roofline is no more than thirteen (13) feet for an elevator shaft nor more than nine (9) feet for a stairwell;
 - (iii) The total plan area of an enclosure or enclosures is not more than ten (10) percent of the roof plan area of the building.
- (E) Any roofed area where more than 75 percent of the perimeter is enclosed by walls or windows.

(15) Ground Floor

The floor level nearest to street grade. Where two floor levels are equidistant from street grade, the lower floor shall be designated as the ground floor.

(16) Height

Notwithstanding the definition of height in Land Development Code Section 113.0103, the term height means the vertical distance between any point on any structure and the preexisting grade or finished grade, whichever is lower, directly below it.

(17) Heritage Structure

A heritage structure means any building or structure which is found by the City of San Diego Historical Resources Board to be worthy of preservation.

(18) In-lieu Fees

The fees paid as an alternative to providing the required improvement on site. The “in-lieu fee” may be equivalent to the full cost, or percent of cost, of providing the improvement on site.

(19) Landscaped Areas

Landscaped areas on private property shall be defined as those unroofed areas open to the sky which include hardscape (paved pedestrian areas, fountains, sculptural elements), and vegetation.

(20) Mall

A narrow pedestrian landscaped area on private property, unroofed and open to the sky and developed through the building or between two buildings, linking a street to an alley or to streets (see Appendix B).

(21) Maximum Base Density

The maximum building floor area ratio allowable, by right, on each lot.

(22) Maximum Bonus Density

The maximum building floor area ratio allowable under special circumstances, in order to provide development incentives for certain land uses that are highly desirable in the community.

(23) Minor Addition or Enlargement

Any building expansion that does not exceed 30 percent of the gross floor area of the existing building or 3,000 gross square feet, whichever is less.

(24) Mixed Use

Any project that includes two or more land use categories.

(25) Office

An enterprise, organization or component thereof engaged in business, professional, or administrative activities including but not limited to corporate headquarters; governmental agencies; professional services such as physicians, attorneys, architects, and accountants; banks and financial institutions such as saving and loans; insurance firms, brokerage firms, and investment companies; real estate offices; and advertising agencies.

(26) Parking Structure (Above Ground)

Any structure located at or above grade and used primarily for off-street parking purposes. This definition also includes ground level parking areas covered by a structure, and above ground roof parking area.

(27) Patio

A pedestrian area on private property, open to the sky and surrounded on at least three sides by a building (see Appendix B).

(28) Plaza

A landscaped space on private property, unroofed and open to the sky and an adjoining public right-of-way (street/sidewalk). A plaza is open to all types of pedestrian activity permitted in the adjacent sidewalk area (see Appendix B).

(29) Rehabilitation

Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. Under rehabilitation, every reasonable effort shall be made to provide compatible use for a property which requires minimal alteration of the building, structure, or site and its environment. The distinguishing original qualities or character of a building structure, or the site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided.

(30) Retail Establishment

A retail enterprise, organization or component thereof engaged in the dispensing of consumer goods and/or services to the general public, including restaurants, and consisting of one or more of those businesses listed in Appendix A.

(31) Small Lot

Any lot which is 6,000 square feet, or less, in area.

(32) Subarea

A portion of the territory within the boundaries of a zone. A subarea will contain specific regulations and requirements which supersede certain regulations of the zone.

(33) Visual Access Corridor (Private Property)

Any portion of a property located between a public right-of-way and a natural scenic vista which is unroofed, and open to the sky and maintained free of all visual obstructions.

(34) Zone

A portion of the territory within the boundaries of the La Jolla Planned District within which certain regulations and requirements apply under the provisions of the Planned District Regulations, as designated on Map C-690.1, Document No. OO-16312, on file in the office of the City Clerk.

(Amended 4-7-1998 by O-18481 N.S.; effective 1-1-2000.)

§103.1204 Project Review Regulations

(a) Activities Regulated

No building structure or improvement or portion thereof shall be erected, constructed, converted, established, altered, removed, demolished or enlarged, nor shall the use of any building or structure be changed (as defined in this Division) nor shall the size of any such building or structure be increased; nor shall any such building, structure or improvement be used or occupied unless it shall comply with the requirements of this Division. The Development Services Department shall not issue any permit for the erection, construction, conversion, establishment, alteration, removal, demolition or enlargement of any building, structure or improvement, or portion thereof, or for the change of use of any building or structure in any portion of the La Jolla Planned District until approval of such permit by the Development Services Director or designated representative has been obtained in compliance with the provisions of this Division.

No building structure or improvement or portion thereof shall be erected, constructed, converted, established, altered, removed, demolished or enlarged, nor shall the use of any building or structure be changed (as defined in this Division) nor shall the size of any such building or structure be increased; nor shall any such building, structure or improvement be used or occupied unless it shall comply with the requirements of this Division. No permit may be issued for the erection, construction, conversion, establishment, alteration, removal, demolition or enlargement of any building, structure or improvement, or portion thereof, or for the change of use of any building or structure in any

portion of the La Jolla Planned District until approval of such permit by the City Manager has been obtained in compliance with the provisions of this Division.

Any permit application which involves the demolition or removal of an existing building or structure shall be reviewed by the City Manager to determine whether the structure in question merits designation as a historical resource consistent with the requirements of Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The City Manager shall make such determination within ten (10) working days of receipt of said application. If the City Manager does not make the determination within this specified period, the building or structure shall be deemed not to be a potential historical structure and shall be construed to have received City Manager approval for demolition or removal. If the City Manager finds evidence that a potential may exist for the site's designation as a historical resource, the permit application shall not be approved until the Historical Resources Board has evaluated and acted on the site's historical significance as required by Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The Historical Resources Board shall hold a noticed hearing which may be continued to the next consecutive meeting, but in no case shall the Historical Resources Board review process exceed ninety (90) calendar days. The Historical Resources Board shall make its decision based on a historical and architectural report consistent with the Board's guidelines including a detailed list of source material, and specific references, to be used to make the finding for site designation. The Board shall make findings as required by Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The decision of the Historical Resources Board shall be based on the following evidence which shall be provided in writing:

- (1) Evidence that establishes and documents the date and historic significance of the site or biographical information on the person(s) or event(s) associated with it.
- (2) Evidence that establishes the date and architectural significance of the site, including biographical information on the architect or builder (if known).

If the Historical Resources Board acts affirmatively to designate a site, the site shall be subject to the requirements of Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations). The provisions of this section shall not apply to the following:

- (1) Any building or structure found by the City Manager to present a hazard to public health or safety, and for which an emergency permit for demolition must be issued; or
- (2) Any permit approved as part of a discretionary development permit submitted, reviewed and approved in accordance with this Division. Such development application shall include an environmental document prepared in accordance with the California Environmental Quality Act which describes and addresses the historic/architectural significance of the property. If the property is found to have potential historical or architectural value, such report shall be reviewed by the Historical Resources Board for the purposes of recommending whether the proposed project should be approved, modified or denied based on the importance of the existing building(s) or structure(s).
- (3) Any demolition permit for sites or buildings which have been previously considered for designation by the City's Historical Resources Board.

In addition, the Department of Building Inspection shall not issue any permit for the demolition, alteration, reconstruction, or other change of any Existing Cultural Use Within Zone 6, or any portion thereof, until a Special Use Permit has been approved or conditionally approved by a "Hearing Officer" in accordance with the provisions of Section 103.1208 of this Division.

Approval by a decisionmaker is not required for interior modifications or repairs. Approval of the City Manager is required for all exterior modifications including painting. All painting shall be in accordance with the color palette listings (see Appendix C).

(b) Exception

- (1) For that certain property located on the southeast corner of Girard Avenue and Wall Street, identified as Assessor's Parcel Nos. 350-181-01 and 02, located within the La Jolla Planned District Zone

1, which obtained coastal development permit approval prior to January 1, 1982, as amended, the following conditions shall apply:

- (A) The maximum base floor area ratio, as specified in Sec. 103.1205, Paragraph (c), shall not exceed 2.0.
- (B) Redevelopment of the property shall be consistent with the provisions of this Division regarding office square footage (0.5 floor area ratio or 10,000 sq. ft., whichever is less), as specified in Sec. 103.1205, Paragraphs (a)(2) and provided such use is located on the third floor of the building only, and further provided that additional office square footage shall be permitted for a bank or financial institution, as defined in Sec. 103.1203, Paragraph (b)(26), not exceeding 3,500 sq. ft. if such use is located on the second floor of the building.

(2) All other provisions of this Division shall apply.

(c) Public Facilities, Structures

All open spaces, streets, sidewalks, street furniture, street signs, street trees, lighting installations, and any incidental structures or monuments, shall conform to the intent of this Division which is to preserve and maintain the scale and character of the community, and shall be subject to the same regulations, conditions and standards established herein.

(d) Application Procedure

An application for the above permits shall be made in accordance with Land Development Code Section 112.0102.

Contents of application shall include the following:

- (1) The purpose for which the proposed building, structure or improvement or portion thereof, is intended to be used. The proposed uses shall be specified according to each building level or area.
- (2) A set of plans adequately dimensioned to judge compliance with this Division and other applicable laws and regulations. Such plans shall:
 - (A) Indicate dwelling unit density, uses and gross square footage, lot area, lot coverage, floor area, floor area ratio, landscaping

(including the size and species of existing and proposed landscaping, on-site and on the adjacent public right-of-way) and on surfaced or paved areas (existing and proposed, on-site and on the adjacent public right-of-way), off-street parking including identification of required employee parking areas, and traffic circulation. The plans shall include details of any proposals that will require an encroachment permit on the public right-of-way. For new buildings and new projects requiring substantial work, a detailed topographic map showing contours and elevations shall be included.

- (B) Include the buildings and improvements showing the elevations, height, architectural detailing, roof designs, materials, colors, exterior treatments, two sample boards (8-1/2" x 11") for all colors and materials, detailed area calculations for all requirements of this Division, and color photographs of all adjacent existing structures.
 - (C) Include any accessory buildings, court yards, fences/walls, setbacks, view corridors, grading, signs, outdoor lighting, pedestrian areas, street furniture, and traffic and/or pedestrian circulation.
- (3) A copy of the County Assessor's Parcel Tax Map for the subject property.
 - (4) Any other information deemed necessary by the City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.
 - (5) No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, except in accordance with such plans as have been submitted and approved in accordance with these regulations.
 - (6) Any changes to approved plans shall be resubmitted to the City Manager clearly indicating such change(s). Any construction performed that is not consistent with approved plans is subject to removal.
- (e) Department Review

The City Manager is responsible for project review and approval, consistent

with this District's regulations. Projects that meet these Planned District regulations, and are not subject to a discretionary decision, may be approved or denied, in accordance with Process One, upon completion of the City Manager's review.

Exception: Improvements requiring encroachment permits, shall be reviewed by the City Manager, and may be approved or denied by the City Engineer in accordance with the regulations of this Division upon receiving the City Manager's recommendations.

(f) Written Decision

Upon the granting of any variance, Special Use Permit, tentative, final or parcel map, or any other development permit, the City Manager shall file with the office of the City Clerk and when applicable, with the County Recorder of San Diego County, in accordance with Land Development Code Section 126.0107, a detailed set of specific written findings consistent with this Division's Purpose and Intent (Section 103.1201) establishing the basis for the decision, and identifying the benefits and impacts to the community.

(g) Encroachment Permit

Public improvements and encroachment permits shall be reviewed in accordance with this section by the City Manager for consistency with this Division. These permits are subject to approval by the City Engineer.

(h) Permit Time Limits And Time Extension

A valid permit approved under this Division expires and is void thirty-six (36) months after the Date of Final Action of the permit if the permit is not utilized as set forth in Land Development Code Section 126.0108 and Section 126.0109. The expiration date of a valid permit approved under this Division may be extended in accordance with Land Development Code Section 126.0111, provided however all of the following requirements are met:

- (1) The Applicant shall submit documentation showing that due to an unusual economic hardship beyond his/her control, the project could not be financed, and therefore, the permit option could not be exercised in a timely fashion; and
- (2) Development regulations have not changed, so that the prior approval is still current with existing regulations.

- (3) For project which have been approved involving any discretionary decisions, including but not limited to any project approved by Special Use Permit, it must be shown by the applicant that conditions and circumstances surrounding the project have not changed, therefore the same decisions would be rendered upon application for the extension.
- (4) Exception: Permits that are approved by the City Engineer are not subject to this provision.
- (i) Coastal Housing Determination of Residential Use Feasibility

California Government Code Section 65590 mandates that local governments enforce certain regulations dealing with housing projects located in the Coastal Zone. Section 65590 (c) provides:

The conversion or demolition of any residential structure for purposes of a nonresidential use which is not “coastal dependent,” as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).

The San Diego City Council has authorized the City Manager to make the initial determination as to the feasibility of residential use where such determinations are required by Government Code Section 65590 (c).

- (1) Government Code Section 65590 (g) contains the following definitions:
 - (A) “Conversion” means a change of a residential dwelling, including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobile home, or a mobile home lot in a mobile home park, or a residential hotel to a nonresidential use.

- (B) “Demolition” means the demolition of a residential dwelling including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions.
- (C) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

The requirements of the statute must be met in all housing projects within the Coastal Zone, even if no other local government discretionary action is required. The City Manager will not approve permit applications which have not already satisfied the requirements of Government Code Section 65590. There are no exemptions provided for small projects, nor is occupancy or income level of tenants a factor that can be considered as part of the Section 65590 (c) review.

- (2) A completed application must be submitted together with a statement of facts which support the applicant’s contention that residential use of the subject property is infeasible based on specific economic, environmental, social and/ or technical factors. The use designation identified for the property by the approved land use plan for the area and the applicable land development regulations (e.g., zone, planned district) should also be described in relation to residential use and the proposed nonresidential use of the property.

This review is not desired to evaluate the merits of the proposed nonresidential use, but only to determine whether or not any residential use of the property is feasible. Moreover, if it is determined that residential use is not feasible, the project applicant may still be required to meet the requirements of City Council Policy 600-03 which implements the requirements of Government Code Section 65590 (b). The provisions of Policy 600-03 are administered by the City Housing Commission.

(Amended 4-7-1998 by O-18481 N.S.; effective 1-1-2000.)

§103.1205 Permitted Uses and Density Regulations

The following regulations apply to all the zones and are not subject to modification or variance except as noted.

(a) Permitted Uses/density Regulations

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

- (1) Zones 1, 2, 3 and 4 — Retail establishments as identified in Appendix A of this Division, subject to the ground floor and street frontage requirements of Paragraph (b) of this Section.
- (2) Zones 1, 2, 3 and 4 — Offices, subject to the ground floor and street frontage requirements of Paragraph B. of this Section, and density requirements of Paragraph (c) of this Section.
- (3) Zones 1, 2, 3 and 4 — Residential Development which shall be limited to 29 dwelling units per net acre and subject to the development controls of this Division.
- (4) Zone 5 — Except as provided in Paragraph (a)(5) of this Section, only residential development or redevelopment which shall be limited to 29 dwelling units per acre.
- (5) Zone 5 — Those cultural uses, and accessory uses thereto, listed in Appendix E of this Division, shall be permitted if all applicable Special Use Permit requirements of Sec. 103.1208, and specifically Sec. 103.1208, Paragraph (m), of this Division are complied with.
- (6) Zone 6 — Only cultural uses and accessory uses thereto, as listed in Appendix E of this Division shall be permitted.
- (7) Hotels/Motels as follows, subject to a Special Use Permit, provided however, that certain findings are made as identified in Sec. 103.1208.

Zone	Permitted Only by Special Use Permit	Not Permitted
1	X	
2	X	
3	X	
4		x
5		x
6		x

(8) Parking Lots and Parking Structures, as follows:

- (A) Surface parking lots (including street level roof areas of underground parking structures) complying with the requirements of Sec. 103.1207, Paragraph (g).
- (B) Above ground parking structures (by Special Use Permit only) may be permitted in the following zones, only if they meet conditions set forth in Sec. 103.1208 of this Division:

Zone	Not Permitted	Permitted Only by Special Use Permit
1	x	
2		x
3		x
4		x
5	x	
6		x

(9) Other Uses.

In Zones 1, 2, 3 and 4, other uses which shall be permitted, subject to a Special Use Permit consistent with Sec. 103.1208 of this Division, are as follows:

- (A) Private clubs, fraternal organizations and lodges.
- (B) Churches and religious facilities.
- (C) Civic buildings.
- (D) Public and private libraries.
- (E) Other uses designated in Section 103.0301 that are permitted in other commercial zones of the City under a Conditional Use Permit are permitted in Zones 1, 2, 3 and 4 provided they are processed as a Special Use Permit and comply with all the requirements and standards of Sec. 103.1208 of this Division.

(10) Previously Conforming Uses.

Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) applies except that expansion or enlargement of previously conforming uses is not permitted. Any change in building facade materials or colors shall conform to the provisions of this Division.

(11) Accessory Uses.

An accessory use is intended to serve only the occupants of the principal permitted uses on the premises and not the general public. It shall be permitted only if it complies with all of the following requirements:

- (A) Accessory uses shall be limited to those uses which are customary, incidental to, related to and clearly subordinate to a permitted principal use established on the same premises. In Zones 5 and 6, accessory uses are limited to those uses listed in Appendix E hereto.
- (B) The combined gross floor area of all accessory uses on any

premises shall occupy not more than 20 percent of the gross floor area occupied by the principal permitted uses.

- (C) All accessory uses shall be located in the same building or buildings which they serve with the exception of loading areas or refuse collection areas. There shall be no entrance to any accessory use except through a foyer, lobby, fully enclosed court or a similar interior area.
- (D) In Zones 5 and 6, no signs, displays or advertising relating to the accessory uses shall be visible from any street.

(b) Ground Floor and Street Frontage Requirements

- (1) Retail - Retail uses are required on the ground floor as follows:

Zone	Minimum Percent of Gross Ground Floor Area	Minimum Percent of Structure's Street Frontage Length
1	50%*	75%
2	No minimum required	No minimum required
3	50%	50%
4	50%	50%
5	Not applicable	Not applicable
6	Not applicable	Not applicable

*Access to the retail spaces from loading areas or alleys shall be provided where available.

- (2) Office - Office uses are restricted on the ground floor as follows:

	Maximum Ground Floor Area Restrictions	Maximum Street Frontage Length Restriction
1	25%	25%
2	No ground floor restriction	No ground floor restriction
3	50%	50%
4	50%	50%
5	Not applicable	Not applicable
6	Not applicable	Not applicable

- (3) Residential - Residential uses shall be restricted on the ground floor as follows:

Zone	Restriction
1	Not permitted within front 50% of lot
2	No restriction
3	Not permitted within front 50% of lot
4	Not permitted within front 50% of lot
5	No restriction
6	Not applicable

- (c) Maximum Base Density

Except as provided in Sec. 103.1205, Paragraph (d) (Maximum Bonus Density), below, the maximum development density shall be as follows:

Zone	Maximum Base Floor Area Ratio (FAR) Permitted Per Lot	Maximum Office FAR or Area Permitted Within Maximum Base FAR*
1	1.3	0.5 or 5,000 gross sq.ft., whichever is less
2	1.3	1.0 or 5,000 gross sq. ft., whichever is less
3	1.3	0.7 or 5,000 gross sq.ft., whichever is less
4	1.0	0.5 or 5,000 gross sq. ft., whichever is less
5	1.5	Not applicable
6	No restriction	Not applicable

*For lot splits containing offices uses, the office development maximum area prior to the lot split will apply. See Sec. 103.1206, Paragraph (a)(3) of this Division.

(d) Maximum Bonus Density

- (1) A residential/retail mixed use project (with no office uses), shall contain a minimum of 16 percent to a maximum of 50 percent of the total gross floor area in retail use, and the remainder of the total gross floor area in residential use, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including bonus)
1	1.7
2	1.7
3	1.7
4	1.3
5	Not permitted
6	Not permitted

The ground floor requirements for retail use, as set out in Sec. 103.1205, Paragraph (b)(1) shall apply.

- (2) For an exclusively retail use project, containing not less than 26,000 square feet of total gross floor area, occupied by one primary tenant, and the remaining area occupied by additional retail tenants, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including bonus)
1	1.7
2	1.7
3	1.7
4	1.3
5	Not permitted
6	Not permitted

The ground floor requirements for retail use, as set out in Sec. 103.1205, Paragraph (b)(1) shall apply.

- (3) For an exclusively retail use project, containing not less than 26,000 square feet of total gross floor area, occupied by one primary tenant, and the remaining area occupied by additional retail tenants, the maximum building floor area ratio shall be:

Zone	Maximum Building Floor Area Ratio (including bonus)
1	2.0
2	2.0
3	2.0
4	1.0
5	Not permitted

Zone	Maximum Building Floor Area Ratio (including bonus)
6	Not permitted

(Amended 4-7-1998 by O-18481 N.S.; effective 1-1-2000.)

§103.1206 Property Development Regulations

Please refer to Appendices B and C for illustrations of the requirements for this Section.

The following regulations are applicable to all Planned District Zones and development permits included in Sec. 103.1208 of this Division except as noted. No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations:

(a) Minimum Lot Area and Dimensions

- (1) In all zones the minimum lot area size shall be 2,500 square feet, with a minimum frontage of 25 feet and a minimum lot depth of at least 100 feet.

- (2) Exception.

Any lot which qualifies under the definition of a lot as set forth in this Division and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this Division, consistent with Land Development Code Section 113.0103 and Section 113.0237.

- (3) Lot Splits.

Where any lot legally existing as of October 1, 1984, is subsequently divided into two or more lots, the maximum total combined area of office use on all lots resulting from the division shall not exceed the square footage limitation listed for the zone in which the lots are located prior to lot subdivision. See Sec. 103.1205 of this Division.

The parking requirements of this Division shall apply. No parking exceptions shall be provided for newly created lots smaller than 6,000 square feet. See Sec. 103.1206 of this Division.

For purposes of the square footage limitations in this Section, a parcel shall be defined as any contiguous piece of land which as of October 1, 1984, was comprised of one or more lots which were occupied generally by one building development, or by a general parking area, or was vacant, or any combination of the foregoing. Lot split requirements shall be as indicated in Sec. 103.1205, Paragraph (c) of this Division.

(b) Yard, Setbacks and Fences

Except as provided in Sec. 103.1206, Paragraph (b)(8), the following minimum yard setbacks and fence requirements shall be observed:

(1) Front Yards

Zones 1, 2, 3 and 4 — No requirement.

Zones 5 and 6 — A 15-foot minimum front yard is required, measured from the front property line to the building. A five-foot maximum encroachment into said yard may be approved, provided such encroachment does not exceed 50 feet in total length for any one encroachment and further provided that an additional equivalent landscaped area is provided directly in front of the building and behind and adjacent to the required yard (see also Sec. 103.1206, Paragraph (b)(6), and Appendix G).

(2) Street Side Yards

Zones 1, 2, 3 and 4 — No requirement.

Zones 5 and 6 — A 10-foot minimum yard is required. A three-foot encroachment into said yard may be approved, provided such encroachment does not exceed 50 feet in total length for any one encroachment and further provided that an additional equivalent landscaped area is provided directly in front of the building and behind and adjacent to the required yard. (see also Sec. 101.1206, Paragraph (b)(6), and Appendix G).

(3) Interior Side Yards

Zones 1, 2, 3 and 4 — None required, except that a four-foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. Such side yard shall be increased seven feet for any building height above 20 feet.

Zones 5 and 6 — A four-foot minimum yard is required. Such yard shall be increased to seven feet for building heights above 20 feet.

(4) Rear Yards

Zones 1, 2, 3 and 4 — None required, except that a 15-foot rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. Such rear yard shall be increased three feet for any building height above 20 feet.

Zones 5 and 6 — A 15-foot minimum rear yard is required. Where the rear yard fronts along an alley, the rear yard may be reduced to 10 feet.

(5) Street Frontage Setback

All Zones — A minimum 16-foot setback, measured from the curb to the building, shall be required. This is a separate requirement that must be met in addition to any front yard setback required by Sec. 103.1206, Paragraph (b)(1) (see Appendix B).

(6) Street Corner Lot Setbacks

Zones 1, 2, 3 and 4 — A building on a street corner lot shall be set back behind an imaginary line that connects a point on each of the street front property lines which is distant from the corner by a length equal to 20 percent of the parcel frontage along that street, or 20 feet, whichever is less. See Appendix B of this Division. A 20 percent setback deviation at the property line may be approved as long as an additional equivalent area is made available behind the imaginary line linking the setback points at the property line.

Zones 5 and 6 — Refer to Sec. 103.1206, Paragraph (b)(8), (Visibility Areas), for requirements.

(7) Walls and Fences

Zones 1, 2, 3 and 4 — Refer to Sec. 103.1206, Paragraph (i) and (k) for requirements in these zones.

Zones 5 and 6 — Walls and fences within a required front yard or street side yard shall not exceed three feet in height above the adjacent sidewalk. Such walls and fences shall be architecturally compatible with the main buildings on the premises and shall be constructed of wood, brick, stucco, wrought iron, natural unpolished stone, poured concrete, slumpstone block, split-faced block or a combination of these materials. Chain link is expressly prohibited. All other walls and fences on the premises shall conform to Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

(8) Visibility Areas

Zones 1, 2, 3 and 4 — Refer to Sec. 103.1206 Paragraph (b)(6) (Street Corner Lot Setbacks) for requirements.

Zones 5 and 6 — Within every premises in Zones 5 and 6 there shall be established visibility areas adjacent to every street corner intersection, driveway (on or off the premises) and alley. These triangular areas shall be of the size, shape and location shown in Appendix F. Within a visibility area, no portion of any fence, wall or other structure shall exceed three feet in height.

(c) Maximum Height

The maximum height of any point on any structure shall be thirty (30) feet. Height shall be measured in accordance with Land Development Code Section 113.0270 with the exception of Section 113.0270(a)(4) and (5).

See Appendix B of Municipal Code Chapter 10, Article 3, Division 12.

In addition to the height limit criteria above, the following areas within the planned district, as graphically depicted on Drawing No. C-766 on file in the office of the City Clerk, shall be limited to structures containing a maximum of two stories:

(1) All portions of Zone 2.

- (2) All portions of Zone 4.
- (3) Those portions of Zone 1 generally bounded by Herschel Avenue to the east, the alley parallel to and west of Girard Avenue to the west, Pearl Street to the south and Prospect Street to the north.
- (4) All portions of Zone 3 south of Silverado Street.
- (5) That small portion of Zone 5 surrounded by Coast Boulevard South and Coast Boulevard, generally west of the intersection of La Jolla Boulevard and Coast Boulevard South.

The definition of “story,” as it pertains to this section, is identical to that contained in Land Development Code Section 113.0103.

(d) Street Facade Envelope

In all zones a street facade envelope shall be created along any property line adjacent to any public street. The envelope shall be measured 20 feet vertically and at the top thereof, shall slope back at a 45 degree angle toward the interior of the lot. No portion of any building or structure shall extend outside such envelope except as noted below (see Appendix B.)

- (1) Exception: Twenty (20) percent of the length of the building facade may exceed the twenty (20) foot height limit, in order to provide roofline and facade variations, accents, tower elements, etc.
- (2) Within the street facade envelope, no story or floor level or portion thereof, shall overhang any floor level below, provided however, that balconies on upper floors shall be permitted.
- (3) No building or portion thereof shall project over the public right-of-way above ground level. Awnings and canopies may be permitted to encroach into the public right- of-way, subject to an encroachment permit consistent with the requirements of Sec. 103.1209 of this Division (see Appendix B).

(e) Landscaping

Please refer to Appendix B for illustrations of the requirements for this Section.

Prior to the use or occupancy of any lot or premises at least one of the following landscaping requirements must be met.

(1) Zones 1, 2, 3 and 4 — Option A

Provide a landscaped area equal to 25 percent of the total lot area. The landscaped area may be provided at the ground level or on upper level balconies, decks, roofs, with permanently affixed planter boxes or any combination thereof. A minimum of 40 percent of the landscaped area shall be vegetated.

(2) Zones 1, 2, 3 and 4 — Option B

Provide a ground level landscaped area equal to 15 percent of the total lot area.

For landscaped areas designed as buffers, setbacks or visual backdrops, 40 percent of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees.

For large paved pedestrian spaces such as courtyards or plazas, a minimum 24-inch box tree or 15- gallon eight-foot tall tree shall be required for every 200 square feet of paved area.

For narrow pedestrian areas such as malls, where trees may not be appropriate, 25 percent of the ground plane shall be vegetated with potted plants, vines, shrubs, or groundcover.

(3) Zone 1 — Alternate

In Zone 1, the landscaping requirements of this section may be satisfied by sidewalk improvements consistent with the encroachment permit Sec. 103.1209 of this Division, or an in lieu fee as further described in Sec. 103.1208, Paragraph (m) of this Division.

(4) Zone 5 — Option A

Provide a landscaped area equivalent to 50 percent of the total lot area. The landscaped area may be located at the ground level or on upper level balconies, decks, roofs with permanently affixed planter boxes or any combination thereof provided the landscaped area is visible from the opposite side of adjacent public rights-of-way (streets). A minimum of 50 percent of the landscaped area shall be vegetated.

(5) Zone 5 — Option B

Provide a landscaped area equivalent to 30 percent of the total lot area at ground level, provided the landscaped area is visible from the opposite side of adjacent public rights-of-way (streets). The 15-foot front yard setback shall be fully landscaped except for driveways and walkways. For landscaped areas designed as buffers, setbacks or visual backdrops, 50 percent of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees.

(6) Zone 6

All required yards shall be fully landscaped in accordance with City-wide Landscape Regulations of Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

(7) Parking Lots — Refer to Sec. 103.1207, Paragraph (g) for requirements.

(8) Landscaping Plans and Maintenance:

- (A) Prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the City Manager for approval. The landscaping and irrigation plans shall be in conformance with the requirements of this section and with the Landscape Guidelines of the Land Development Manual.
- (B) All required landscaped areas shall be permanently irrigated and maintained in accordance with the Landscape Guidelines of the Land Development Manual.

(9) Paved Surfaces

A minimum of 50 percent of all paved surfaces used for pedestrian activity shall be composed of a textured material such as brick, stone, or tile. The required percentage of textured paving may be combined in a single area such as a courtyard or plaza or integrated with non-textured paving to form bands or other patterns in harmony with the intended architectural theme. See also Streetscape Development Regulations, Sec. 103.1209 and Appendix D of this Division.

(f) Siting of Buildings in Subareas 1-a, 5a And 6a

In Subareas 1A, 5A and 6A on the seaward side of Prospect Street, in order to provide for visual access corridors to the ocean, buildings shall be located so that the major axis of the structure will generally be at a right angle to the shoreline. An open visual access corridor of ten percent of the lot width shall be maintained open to the sky and free from all visual obstructions from the front property line to the rear property line of the project.

Refuse collection and loading areas shall not be located in any way that interferes into the visual access corridor (see Appendix B).

(g) Building Surface Materials And Colors

(1) Surface materials shall only be those which are in keeping with the traditional materials of the community. These include:

Natural materials such as wood, brick, or natural unpolished stone.

Stucco (all stucco must be painted).

Formed concrete.

Split-faced or slumpstone concrete block.

(2) Not more than 40 percent of any exterior building elevation above the first story shall consist of glass or any other material that resembles glass.

(3) At ground floor and other pedestrian levels opaque, reflective or dark tinted glass shall not be used for any portions of the building developed for retail uses.

- (4) Surface materials that are not in keeping with the existing character of the community are prohibited, including:

Metal panels of any kind on walls, roofs of awnings.

Mirrored or highly reflective glass in any quantity.

Glazed tiles covering more than ten percent of any building elevation or on the roof.

Polished marble, granite, or similar materials covering more than ten percent of any building elevation.

Stucco containing sparkling particles, or integral colored stucco.

Plain concrete block.

Plastic materials of any kind except for awnings attached to the building.

- (5) Surface colors shall be those which are in keeping with the established character of the community. These include:

White.

Natural red-brick tones.

Light earthtone colors (see Appendix C.).

Pastel Colors (see Appendix C.).

Bright, excessively dark, and garish colors which are not in keeping with the established character of the community are prohibited. Exception: Dark colors are acceptable on roofs.

- (h) Artificial Lighting Direction

Artificial lighting used to illuminate any premises shall be directed away from adjacent properties. (see Appendix B).

(i) Walls

Prior to the use or occupancy of any premises containing commercial uses, a solid masonry wall of not less than six feet in height shall be constructed along all portions of the perimeter of said premises that abut residentially zoned land.

(j) Loading Areas

ZONES 1, 2, 3, 4 — Every building shall provide an on- site loading area containing a minimum of 600 square feet, which shall not be used for parking (including required back-up space, and/or driveways). Where alley access is available such loading areas shall be adjacent to and accessible only from the alley (see Appendix B).

On lots of 50 foot frontage or less, no loading area is required, provided however, that where an alley abuts the lot, the building's loading area shall be arranged so that all loading activities take place from the alley only.

(k) Refuse Collection Areas

A minimum of 32 square feet of on-site refuse collection area shall be provided on each lot or premises and shall not be located in any front or street side yard. Where an alley exists the refuse collection area shall be located off the alley (see Appendix B).

The refuse collection area shall be screened by a solid wall with a minimum height of six feet. A six-foot high, solid masonry wall shall be constructed between any refuse container and any adjoining residentially zoned property.

(l) Mechanical Equipment

No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearance similar to and integrated with the main building architectural design.

(m) External Effects

The following effects shall not be permitted to emanate beyond the premises in which the permitted use is located:

- (1) Air contaminants such as smoke, fumes, odors or other gases.
- (2) Loud, unnecessary or unusual noise.
- (3) Electrical disturbances which unduly interfere with the normal operation of equipment, appliances or instruments.
- (4) Emissions that endanger human health, cause damage to vegetation or property or cause soiling.

(n) Residential Design Criteria

Exclusively residential development shall comply with all of the following standards:

- (1) The proposed use must comply with all development regulations of Secs. 103.1205, 103.1206, 103.1207, 103.1208 and 103.1209 of this Division.
- (2) The proposed use will incorporate architectural features which are of visual interest such as awnings, canopies, colonnades, porches, balconies, arcades, etc.
- (3) The proposed use will utilize pitched roofs and other roof designs to reduce the appearance of bulk and create an appearance compatible with surrounding development.
- (4) The proposed use will provide for private open space areas such as balconies, patios and courtyards. The total area for such spaces shall be not less than 150 square feet per unit.
- (5) The proposed use will utilize low water plant materials as determined by the Park and Recreation Department together with an automatic irrigation system.

(Amended 4-7-1998 by O-18481 N.S.; effective 1-1-2000.)

§103.1207 Parking and Transportation Regulations

(a) Off-street Parking Regulations

Please refer to Appendix B for illustrations of the requirements of this Section 103.1207.

- (1) Every premises used for one or more of the permitted uses listed in Section 103.1205 shall be provided with permanently maintained, off-street parking spaces in a parking area or private garage on the same premises in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).
- (2) Notwithstanding Land Development Code Section 142.0530(b), the minimum parking requirements apply to outdoor eating and drinking areas that are not in the public right-of-way.
- (3) In Zones 1,2,3, and 4, a minimum of 60 percent of the required office parking shall be designated exclusively for employee use free of charge. These spaces may not be used by non-employees of the building or rented to anyone.
- (4) In Zones 1, 2, 3, and 4, a minimum of 20 percent of the required parking for banks and savings and loans shall be designated exclusively for employee use free of charge. These spaces may not be used by non-employees of the building or rented to anyone.

(b) Street Frontage Parking Areas

Street frontage parking (parking between a building and the adjacent public street) shall not be permitted except as follows:

Zone	Not Permitted	Permitted
1		X
2		X
3		X
4		X
5	X	
6	X	

(c) Rehabilitation Parking Requirements

Parking requirement exemptions shall be provided for rehabilitation projects and heritage structure rehabilitation proposals which are consistent with the use and requirements of this Division (Sec. 103.1205), or do not involve a change in use as defined in Sec. 103.1203 of this Division, provided that the existing number of on-site parking spaces is maintained.

- (1) If the project rehabilitation involves retail use, the parking requirement will be limited to providing parking off the alley. One parking space shall be required per full ten feet of vacant alley frontage area. If no alley frontage exists no parking shall be required on-site, provided however, that the property owner shall sign an agreement, satisfactory to the City Manager, not to oppose the formation of a future parking or transit district. The agreement shall not include the property owner's right to protest the amount levied subsequent to the establishment of the district or districts. The agreement shall be recorded with the County Recorder and shall run with the land.
- (2) If the project rehabilitation involves a residential use, a minimum of one space per each new unit added shall be required either on site, as a part of a joint parking plan or through in lieu fees towards a community parking district, consistent with Sec. 103.1208 of this Division.
- (3) If the rehabilitation involves hotel uses, the parking space requirements may be satisfied by a combination of on-site and off-site parking or in lieu transit fees, and a joint parking plan, consistent with Sec. 103.1208, Paragraphs (i), (k), and (l) of this Division.

(4) If the rehabilitation project involves office uses, the project will be required to meet the office parking requirements as established by this Section either on site or through a combination of a joint parking plan, and/or in lieu fees for parking or transit, consistent with Sec. 103.1208, Paragraphs (i), (k), and (l) of this Division.

(5) For rehabilitation projects tandem parking may be permitted, provided it does not exceed two full spaces in depth.

(d) Minor Addition Parking Requirements

Parking requirement exemptions shall be provided for minor additions or enlargements (including those made to heritage structures) provided however, that such additions or enlargements do not involve a change in use.

(1) For retail projects the parking shall be provided off the alley where one parking space shall be required per full ten feet of vacant alley frontage. Where more than one alley exists the parking requirement shall be based upon the longest alley frontage. If no alley exists no parking shall be required on-site, provided however, that the property owner shall agree not to oppose the formation of a future parking and/or transit district as established by Paragraph (c)(5) of this Section and Sec. 103.1208, Paragraphs (k) and (l) of this Division.

(2) In Zones 1, 2, 3 and 4 for projects including other allowable uses, only the parking for the addition or enlargement shall be required. If parking cannot be provided on-site, the requirements may be satisfied through a combination of a joint parking plan and/or in lieu fees for parking or transit, consistent with Sec. 103.1208, Paragraphs (i), (k), and (l) of this Division.

(e) Shared Parking Facilities

Sharing of parking facilities may be approved or denied by the City Manager in accordance with Process One pursuant to Land Development Code Section 142.0545.

(f) Tandem Parking

Tandem parking shall be permitted under this ordinance for residential uses, small lot development, minor additions and rehabilitation projects consistent with Land Development Code Section 142.0555.

(g) Surface Parking Lot Design

Surface parking lots or street level roof parking for underground parking structures, shall not cover more than 10,000 square feet in area. If more than 10,000 square feet is required, the additional parking shall be provided underground. Surface parking areas fronting on a street shall be screened with a landscaped buffer of not less than six feet in width between the public right-of-way (sidewalk) and the parking area. The interior portions of surface parking areas with more than one parallel aisle or 7,000 square feet in area shall be landscaped. Parking lot landscaping shall conform to Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations) (see Appendix B).

(h) Bicycle Facilities

All premises used for one or more of the permitted uses listed in Sec. 103.1205 of this Division shall be provided with facilities and permanently maintained bicycle parking spaces (storage lockers or racks) easily accessible to the public, on the same premises as follows:

- (1) Business and professional offices including banks and savings and loans — one bicycle space for each 2,500 square feet of gross floor area. Additionally, any business or professional office containing more than 7,500 square feet of gross office floor area shall be required to provide shower facilities.
- (2) Restaurants and similar establishments — one bicycle space for every 20 seats.
- (3) Retail establishments — one bicycle space for each 3,500 square feet of gross floor area.
- (4) For hotels and motels — one bicycle space for ten guest units, or provision of bicycle rental facilities on-site.

(Amended 4-7-1998 by O-18481 N.S.; effective 1-1-2000.)

§103.1208 Special Use Permit Development Standards

- (a) A Special Use Permit (SUP) is required for any of the following projects described in Sections 103.1208(b) through 103.1208(m). An application for a Special Use Permit may be approved, conditionally approved or denied by a

Hearing Officer in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission, in accordance with Land Development Code Section 112.0506. The Hearing Officer may approve the Special Use Permit if the following findings are made in addition to the findings specified for particular uses:

- (1) The project is consistent with the Purpose and Intent Section of this Division (Sec. 103.1201);
- (2) The project is consistent with (Secs. 103.1205, 103.1206 and 103.1207) of this Division; and
- (3) The project is consistent with the standards identified in this section.

(b) Heritage Structure Preservation And Re-use

Any Heritage structure in Zones 1, 2, 3, 4 and 5 only, proposed for preservation and re-use not consistent with Section 103.1205 of this Division's land use and density requirements, shall comply with all of the following standards:

- (1) The structure shall be evaluated by the Historical Resources Board which shall make a finding that the structure is worthy of preservation if one or more of the following appropriate findings can be made that:
 - (A) The structure is part of a historical event or personage in the development of the region.
 - (B) The structure is architecturally significant in that it exemplifies a specific architect, architectural style, or period of development.
 - (C) The structure is architecturally unique and worthy of preservation.
 - (D) The structure is an integral part of a neighborhood development style, and an important "part of the scene" of urban development.
- (2) The project site and structure's rehabilitation proposals shall be reviewed by the Historical Resources Board for consistency with the building's and project site's design and historical conservation elements.

- (3) Development Regulations are the same as Sections 103.1205, 103.1206 and 103.1207 of this Division except as follows:
- (A) The project may be exempt from the use and density requirements of Section 103.1205 of this Division provided it can be proven that it is economically imperative to provide relief from such land use requirements. A Hearing Officer may approve, conditionally approve or deny, in accordance with Process Three. The Hearing Officer's decision may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. The Hearing Officer may approve or conditionally approve the exemption if a finding can be made that the use and density will not negatively impact surrounding properties and the neighborhood, and will be consistent with the community plan.
 - (B) The project may be exempted from the standard parking requirements consistent with Sec. 103.1207 of this Division.
 - (C) Landscaping, planting and vegetation standards shall be consistent with Secs. 103.1206 through 103.1208 of this Division, except when these standards conflict with heritage structure preservation or existing matured vegetation on site. The new landscaping proposed shall compliment the existing vegetation and landscape design. The Historical Resources Board recommendations shall be considered in the City Manager's decision.

(c) Existing Cultural Use Within Zone 6 Demolition

A Hearing Officer may approve, conditionally approve or deny, in accordance with Process Three, a Special Use Permit for the demolition, alteration, reconstruction or other change of any portion of an Existing Cultural Use within Zone 6. The permit may be approved or conditionally approved only upon the specific finding that such demolition, alteration, reconstruction or change is being made in conjunction with a permitted addition, enlargement, restoration or rearrangement of a permitted cultural use within Zone 6.

(d) Hotel/motel Development (Including Timeshares)

Hotel and motel and timeshare development may be permitted in Zones 1, 2 and 3 only, subject to Special Use Permit if all the following findings can be made:

- (1) The proposal consists of redevelopment of an existing hotel site, and/or additions to an existing hotel, and such additions do not exceed 30 percent of the existing hotel size, and number of rooms, or 20 guest units whichever is greater. Where the proposal consists of a new development, the maximum density does not exceed 60 guest units per acre nor will the additional rooms cause the total number of new rooms in the Zone to exceed the amount designated in Paragraph (d)(2) of this Section;
- (2) The total number of new hotel/motel rooms and timeshares in any Zone shall not exceed the amounts designated in the following table:

Maximum Development Allowed Per Zone*		
Zone 1	Existing Units (Oct., 1984)	203
	ADDITIONAL UNITS	41
	PERMITTED**	
Zone 2	Existing Units (Oct., 1984)	30
	ADDITIONAL UNITS	6
	PERMITTED**	
Zone 3	Existing Units (Oct., 1984)	207
	ADDITIONAL UNITS	41
	PERMITTED**	
Zone 4	NO ADDITIONAL UNITS PERMITTED	
Zone 5	NO ADDITIONAL UNITS PERMITTED	
Zone 6	NO ADDITIONAL UNITS PERMITTED	

* Denotes that existing Hotel/Motel units include those existing within the Planned District Division Zone plus units existing within any adjacent RV Zone.

**Denotes that additional units permitted represent a 20 percent increase over existing units, as of October, 1984 for that zone.

- (3) The proposed project complies with the development standards contained in this Division (Secs. 103.1205, 103.1206, 103.1207 and 103.1209).

(e) Outdoor Sales And Displays And Storage Regulations in Zones 1, 2, 3 And 4 Only

- (1) The following listed merchandise sold on the premises may be displayed outdoors during hours of business operation without screening walls or fences except along property lines abutting residentially-zoned lots:

Flowers and plants.
Food products.
Handcrafted products and goods.
Artwork and pottery.

Any other merchandise which the City Manager may find to be similar in character, type or nature to the merchandise listed in this Paragraph and which will not cause an adverse visual impact on the neighborhood.

- (2) All other merchandise sold on the premises may be displayed outdoors during hours of operation provided that the display area is enclosed by walls, fences, buildings or landscape screening or a combination thereof.
- (3) All walls and fences required in Paragraph 2 of this Section shall be a minimum of six feet in height except along the street frontage, where height may vary. Walls and fences shall be constructed and maintained with not less than 50 percent of the surface area impervious to light. The location, materials and design of required walls and fences shall be subject to approval by the City Manager. The approval of the City Manager shall be based upon the similarity of architectural design and appearance of the wall or fence to existing buildings on the premises or to buildings being constructed concurrently on the premises. Such walls or fences shall be maintained in accordance with Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).
- (4) When landscape screening is used to enclose areas used for outdoor display or storage, a three-foot high solid (at time of planting) landscape screening proposal shall be submitted to the City Manager for review and approval. The landscape screening shall be developed in conformance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations).

- (5) Outdoor sales and displays are not permitted in Zone 5.
- (f) Fast Food Restaurants in Zones 1, 2, 3 and 4 Only
Fast food restaurants may be permitted if all of the following standards are met:
 - (1) The proposal includes indoor or outdoor seating areas with refuse collection receptacles.
 - (2) The establishment shall maintain the premises and the immediate vicinity (at least to the first street intersection in both directions) clear of litter.
 - (3) Food to take out shall be restricted to minimum packaging and shall include a container or paper sack in which the refuse can be collected to be thrown away.
 - (4) Fumes and odors shall be contained within the cooking areas and shall not be allowed to spread beyond the property line.
 - (5) Hours of operation shall be limited to daylight hours and until 12:00 Midnight or earlier as established by the City Manager at the public hearing.
 - (6) The development standards of this Planned District Division shall be complied with (Secs. 103.1206, 103.1207 and 103.1209 of this Division).
 - (7) Any drive through facility in connection with a fast food restaurant shall comply with all the requirements of Paragraph H. (Drive-thru Facilities) of this Section.
 - (8) Fast food restaurants are not permitted in Zone 5 or Zone 6.
- (g) Drive Through Facilities
 - (1) Drive through facilities are not permitted in Zone 1, Zone 5 or Zone 6.
 - (2) Drive through facilities may be permitted in Zone 2 (Herschel), in Zone 3 (Fay Avenue), and Zone 4 (Pearl/ La Jolla Boulevard) subject to all the following conditions:

- (A) The drive through area shall be paved with patterned paving consistent with Appendix B and D of this Division.
- (B) Auto/pedestrian circulation conflicts shall be minimized. A drive through shall not be located along areas of a high pedestrian use.
- (C) The drive area through shall be buffered with a ten-foot-wide and a minimum of three-foot-high vegetated strip from adjacent pedestrian sidewalk areas.
- (D) Parking areas abutting the drive through area shall have ten-foot-wide and a minimum three-foot-high at time of planting vegetated buffer adjacent to the public right-of-way (sidewalks). Ten percent of the parking area shall be landscaped with broad tall trees that provide shade areas (See Appendix B of this Division).

(h) Above Ground Parking Structures

Aboveground parking structures may be permitted consistent with the zone restrictions contained in Sec. 103.1205, Paragraph (a)(8)(B), by Special Use Permit only, provided the building or structure does not exceed a floor area ratio of 2.5 and the following conditions are met:

- (1) There shall be a demonstrable community need for the additional parking proposed, based on parking and marketing studies submitted at the time of project review.
- (2) The structure is compatible in materials, colors, and architectural features to the character of the surrounding development, particularly adjacent structures.
- (3) A minimum of 20 feet of depth from the street frontage at the structure, excepting only the portion required for driveways and pedestrian access, is utilized for community serving retail establishments and other establishments that provide auto oriented goods and services.

- (4) An eight-foot-wide vegetated area is provided between any noncommercial street frontages of the structure and the sidewalk. Use of large screening trees and vines to cover wall surface areas shall be required. See Appendix B of this Division.
- (5) All parking levels are enclosed on all sides with solid walls of at least 42 inches above the floor.
- (6) Lighting fixtures utilizing exposed lamps of any kind are placed so that they are not visible from outside the building.

(i) In Lieu Fee Parking Provisions

An in lieu fee program for the provision of parking may be added to this Division at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for parking in the La Jolla Planned District area. The option of using this program in lieu of the required parking shall not be available until the program is established at a future date.

(j) Transit Fees in Lieu Provisions

An in lieu fee program for the provision of additional public transit, may be added to this Planned District Division at a future date. The incorporation of this program will be subject to the future approval by City Council of an implementation and funding program for provision of additional public transportation opportunities within the La Jolla Planned District area. The option of using this program in lieu of the required parking shall not be available until the program is established at a future date.

(k) In Lieu Streetscape Improvement Fees

An in lieu fee program for the improvement of the pedestrian spaces on public right-of-way may be incorporated into this Division at a future date. The incorporation of this program will be subject to future approval by City Council of an implementation and funding program for landscaping and ornamental lighting for the La Jolla Planned District area. The option of using this program in lieu of required landscaping will not be available until the program is established at a future date.

(l) Other Uses Permitted under a Special Use Permit

Private clubs, fraternal organizations and lodges, churches, civic buildings, public and private libraries, schools, museums and other uses allowable under Conditional Use Permits in other commercial and residential zones of the City, as identified in Section 103.0105, and any other discretionary permits issued by the City Manager shall be permitted subject to the processing of a Special Use Permit under the terms of this Section. Development standards for such a permit shall be regulated by Land Development Code Chapter 14, Article 1, Division 1 (Separately Regulated Use Regulations) as supplemented and superseded by Secs. 103.1204, 103.1206, 103.1207 and 103.1209 of this Division.

(m) Cultural Zone — Transfer of Development Rights Program

A Transfer of Development Rights Program to be applied to the cultural uses within the Cultural Zone shall be incorporated into this Planned District Ordinance by June 30, 1987. The program shall be designed to give the cultural institutional uses an equivalent value to their present maximum residential permitted use of 29 du/ac, in exchange for the perpetual restriction of residential redevelopment on these sites. The incorporation of a specific Transfer of Development Rights (TDR) implementation program shall be the subject of future approval by the City Council. Approval of such TDR program shall take place within the specified period, but no later than June 30, 1987.

(Amended 4-7-1998 by O-18481 N.S.; effective 1-1-2000.)

§ 103.1209 Streetscape Development Regulations/Encroachment Permits

Within all zones no building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any such premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations pertaining to the development and use of the abutting public right-of-way. The above shall apply to all projects.

The following Streetscape and Encroachment Permit Standards shall be the basis for project review by the City Manager. Final approval for encroachment permits shall be by the City Engineer based on the City Manager's recommendations of consistency with this Division (see Appendix D.).

(a) Driveways and Curb Cuts

Driveways and curbcuts shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

(b) Underground Parking Encroachments

Encroachment into the public right-of-way for underground parking spaces may be permitted only if a more efficient underground parking design can be provided without resulting in a major expansion to the underground parking area.

No encroachments into the public right of way for parking access ramps (underground and above-ground) parallel to the street shall be permitted.

Any access from underground parking areas to the street shall give the pedestrian the right-of-way at all times. Safety design, stop signs and other signage are required.

(c) Sidewalk Development

(1) Minimum Width.

For existing projects all sidewalks shall maintain their present width and shall also maintain standard sidewalk elevation in relation to the curb for the entire distance between the curb and property line.

(2) Clear Path.

For new construction a minimum clear path (free of obstructions) of eight feet in width shall be maintained at all points within the sidewalk right-of-way. The clear path may be linear, angled or curved, provided that the configuration will not impede handicapped access. A clear path of greater than eight feet may be required if necessary to maintain a line of sight essential for traffic or pedestrian safety. Where there are street trees, the clear path shall be measured from the trunk of the tree, provided tree grates conforming to the requirements of Sec. 103.1209, Paragraph (d)(8) of this Division are installed and maintained at all times.

(3) Surface Treatment (sidewalk paving).

All development proposing sidewalk improvements through an encroachment permit shall be required to improve the abutting sidewalk areas in accordance with the following standards:

The sidewalk surface (exclusive of permanently landscaped areas) shall be paved with brick, clay or ceramic tile or interlocking concrete pavers. Standards for each of these materials shall be as set forth below. The objective of these standards is to provide a complementary palette of paving materials and colors which provide an element of unity and continuity throughout the district, while encouraging the development of improved pedestrian sidewalk areas.

(A) Materials.

Brick: Bricks shall be standard size eight inches by four inches, and shall be set in mortar.

Tile: Tile shall be square, not to exceed ten inches on any side. Minimum tile thickness shall be one-fourth inch for ceramic or quarry tile, and three-fourths- inch for clay tile. Tiles shall be set in mortar.

Concrete Pavers: Concrete pavers and interlocking pavers may be of any uniform shape provided each unit does not exceed ten inches across its longest dimension. Pavers shall be set in mortar.

(B) Surface Textures.

All paving materials shall provide an even, slip resistant surface at least equal to the City standard broom sweep sidewalk. All grouting shall be placed flush with the top of the pavers.

(C) Pavement Patterns.

The pavement patterns shall be perpendicular to the curb and be maintained constant except to define an entrance or an adjacent public plaza in which case paving patterns may be integrated with other paving to form bands or dividers in harmony with architectural themes. Pavement patterns shall be consistent with the safety standards required for the handicapped.

(D) Colors.

The color of paving shall generally be within the red to orange range (including reddish browns) with muted (non-bright) tones. Dark brown and other dark tones and colors, including grey are not appropriate.

(d) Street Trees

- (1) Existing street trees shall be preserved to enhance the character of the street through the continuity of existing street trees.
- (2) New street trees shall be of the same species as the existing trees fronting the site or alternatively of the most prevalent species located on the same street provided they are listed on the Approved Street Tree List as shown in Appendix G.
- (3) Where neither the species of existing street trees fronting the site or the most prevalent species located on the same street appears on the Approved Street Tree List, the City Manager shall designate the species of trees to be used which, is in keeping with the surrounding area.
- (4) For all portions of La Jolla Boulevard and Pearl Street within the Planned District, the Jacaranda Mimosifolia is the designated tree.
- (5) Unless otherwise stated above, where appropriate, the preservation, planting and maintenance of approved palm trees and approved eucalyptus trees shall be given special consideration in order to maintain the unique subtropical character of La Jolla.
- (6) Trees shall be planted in the ground. The minimum size tree shall be a standard 48-inch box. Trees with a low spreading branch structure shall

typically not be used in the street rights-of-way. Individual specimens shall be selected, planted, and pruned, if necessary, such that major scaffold branches are at least eight (8) feet above the finish surface or finish grade, as measured at the trunk.

Trees shall be positioned and kept maintained so that any branches that extend out over dedicated street rights-of way have a minimum of fourteen (14) feet six (6) inches of clearance above the surface of the street.

(7) Tree Spacing.

Trees may be grouped or planted in a straight line. The placement of street trees shall be coordinated with the placement of light standards. Spacing shall be as approved by the Park and Recreation Department.

(8) Tree Grates.

Tree grates shall meet safety requirements of Title 24 of the State Building Code. The maximum size of grid opening shall be no larger than one-half-inch. All tree grates shall be installed flush with the sidewalk surface and shall be set a minimum of two inches above a gravel base. The grates shall be factory primed and painted black.

(9) Root Control Barriers.

A root control barrier shall be provided for each tree to avoid possible root damage to sidewalks and other facilities in the public right-of-way or surrounding buildings.

(10) Street Tree Irrigation.

All landscaping in the public right-of-way, shall have a permanently installed and maintained irrigation system designed by registered Landscaped Architect, or as approved by the City Engineer and Parks and Recreation Department as follows:

(A) All street trees shall be irrigated.

(B) Irrigation water shall be metered through the property owner's meter.

- (C) PVC pipe (SCH 40) or better to each tree well shall be in place prior to pouring public sidewalk or paving.
- (D) PVC pipe to each tree well shall be laid perpendicular to the curb and connected to the irrigation system on private property.
- (E) Each tree well shall have a minimum of one adjustable bubbler-type head or approved equal.
- (F) All irrigation systems shall have anti-syphon, backflow prevention and shall be operated by an approved automatic timer on private property.

(e) Curbs, Gutters and Handicapped Ramps

The design and surface finish of curbs, gutters, and handicap ramps shall meet City of San Diego standards.

(f) Utility Covers

- (1) For all areas finished in brick, tile or concrete pavers, all concrete utility covers shall be replaced with metal covers. All covers shall be painted black.
- (2) Large utility covers (exceeding eight square feet) if not avoidable, shall be covered with matching brick or tile veneer to match the sidewalk paving.

(g) Street Furniture

- (1) Light Standards.

Light standards shall be equivalent to the street lamp shown in Appendix D.

(2) Benches.

(A) Materials.

Benches located in the sidewalk shall be constructed to one or more of the following materials:

Wood;

Wrought iron, cast iron, or formed iron

(B) The placement of benches shall be as follows:

Benches shall not encroach into the required eight-foot sidewalk clear path. Benches shall not be located within five feet of the center of the sidewalk.

A bench located parallel to the sidewalk shall face the center of the sidewalk.

If two or more benches are situated perpendicular to the sidewalk, the benches shall be sited to face each other.

(C) Advertisement on benches located in the public right-of-way shall be prohibited.

(3) Awnings and Canopies.

Awnings and canopies made of plastic, canvas material or any other material permitted by this Division and approved by the City Engineer, and the City Manager may be permitted to encroach on the street right-of-way to provide shade or sun protection for retail exhibit areas (see Appendix B).

(h) Sidewalk Cafes

Sidewalk cafes may be permitted throughout the Planned District except in Zone 5, as regulated by Section 103.0105 and Land Development Code Section 141.0621.

(i) Maintenance and Repairs

All encroachment permits shall require adequate maintenance consistent with City Engineer's standards. Except for those improvements which are the responsibility of public utilities, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available.

All public utility and improvement repairs and maintenance, undertaken in an improved sidewalk area shall match existing materials and colors.

(j) In-lieu Streetscape Improvement Fees

In ZONE 1 - Alternate, landscaping requirements may be satisfied by the contribution of "in lieu fees" for Streetscape improvements as described in Sec. 103.1208., Paragraph (k) of this Division.

(Amended 4-7-1998 by O-18481 N.S.; effective 1-1-2000.)